uttered what can only be considered a threat when he made the insubordinate remark to the Master on being told to stand-by, after the signal had been ignored.

In the case of Cho Sek Yuk, for the sentence of 2 months R.I. I substitute the maximum sentence of imprisonment for 4 weeks. In the case of the other appellants, for the sentence of 6 weeks R.I. I substitute a sentence of 12 days' imprisonment, sentence to run from to-day's date.

In the case of all the appellants, the appeals against conviction are dismissed.

Order Accordingly.

RE A. PENHAS DECEASED.

[Orig. Civil Juris. (Murray-Aynsley, C.J.) Jan. 30, 1947]

Proof of death—presumption of death.

On an ordinary petition for Letters of Administration where the death of the intestate is put in issue, the Court can presume that the death took place on or after a given date.

G. E. N. Oehlers for Plaintiff on issue.

John Laycock for Defendant on issue.

In this case one Tan Soo Eng filed a Petition for Letters of Administration of the Estate of Abraham Penhas. A Caveat was filed by Isaac Penhas, a brother of the said Abraham Penhas, and later an Order was made for the trial of the following issues namely "whether the abovenamed Abraham Penhas who resided in Singapore is dead and if so when he died." Tan Soo Eng was the Plaintiff on the said issues and Isaac Penhas was the Defendant on the said issues.

It was admitted by the Defendant that Abraham Penhas was arrested by the Japanese on the 3rd March 1942 and that he was imprisoned by the Japanese and also that subsequent to some date about the 10th March 1942 no communication had ever been received from him by his relatives.

The Plaintiff called her mother Sim Peng Neo as a witness. This witness gave evidence to the effect that following information received she had gone to the Detective Police Station, Robinson Road, Singapore, on the 17th day of the 1st Chinese Moon in the year 1942, that is the 3rd March 1942, and that she had then seen Abraham Penhas there. Following further information she again went to the Detective Police Station, Robinson Road, on the 22nd day of the 1st Chinese Moon, that is the 8th March 1942 when she saw and recognised his dead body. This evidence was uncorroborated.

The Defendant produced two wholly independent witnesses who testified that they shared a prison cell with Abraham Penhas at the Sailors Home, Anson Road (not the Detective Police Station) from the 5th to the 10th March 1942.

Murray-Aynsley, C. J.:—Delivering an Oral Judgment said that it was almost inconceivable that if Abraham Penhas was still alive he would not have communicated with his friends and relatives before that time. He held that Abraham Penhas had died on or since the 10th March, 1942.

Order Accordingly.

MALAYAN UNION REPORTS.

PUBLIC PROSECUTOR v. ENG LIM AND TEN OTHERS.

[Criminal Revision (Laville, J.) December 14, 1946]

Common Gaming House Enactment, Section 6, 16 and 17—When presumption under Section 16 will arise—Where no presumption arises the prosecution must show aliunde that place is a common gaming house —Presumption under Section 6 (ii) of the Enactment—Revision—Criminal Procedure Code Chapter XXXI.

In this case eight of the accused were convicted of the offence of gaming in a common gaming house and fined $25/- each. They applied to the Supreme Court for revision under Chapter XXXI of the Criminal Procedure Code. The prosecution claimed that as they had entered the house under the provisions of Section 16 of the Common Gaming House Enactment and had found there instruments for gaming the presumption arose under Section 17 of the Enactment that the room was a common gaming house, and the presumption also arose that the occupants were gaming. The officer-in-charge Police District who was in charge of the raiding party in this case stated in his evidence that he was a Senior Police Officer but he did not give evidence as to his rank or as to his being gazetted as a Senior Police Officer under the Common Gaming House Enactment. There was further evidence that the officer-in-charge Police District acted on information received but there was no evidence that such information was on oath and in writing, nor was there any evidence given that it was his personally acquired knowledge of facts and circumstances that satisfied him that there were sufficient grounds for a search or what these facts or circumstances were, or that the time factor was one to be considered, so as to justify him in entry under Section 16. The prosecution evidence was that on entry the Police found the accused gambling at Pai Kau; the room was furnished only with a table and chairs round which the accused were grouped and on the table was Pai Kau, dice, other implements and 180 counters; near the table were seated one of the accused with a further supply of counters and some money.

Held, (1) that the entry in this case did not comply with the provisions of Section 16 of the Common Gaming House Enactment and therefore no presumption under Section 16 of the Enactment could arise therefrom;